

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PRISCILLA A. ELLIS-ERKKILA,
Plaintiff,

v.

**CITIBANK, J.P. MORGAN CHASE,
REGIONS BANK, CAPITAL ONE, and
UNITED STATES OF AMERICA
FDIC,**

Defendants.

6:20-CV-01039-ADA-DTG

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 99. The report recommends that this Court grant Defendant JPMorgan Chase Bank, N.A.'s 12(b)(6) Motion to Dismiss (ECF No. 6) and deny Plaintiff's Motion to Oppose Dismissal (ECF No. 83) to the extent it opposes dismissal of claims against Defendant JPMorgan Chase Bank, N.A. *Id.* at 4. The report and recommendation was filed on May 1, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)). Neither party timely filed objections.


But to the extent Plaintiff's Motion for Reconsideration and Petition to Oppose Dismissal filed on May 16, 2023, ECF No. 103, is intended to serve as objections to the Report, these objections should be overruled. The objections are not only unclear but are "frivolous, conclusive,

or general objections,” which the Court need not consider. *See Battle*, 834 F.2d at 421. Out of an abundance of caution, though, the Court has conducted a *de novo* review of the Motion to Dismiss, Plaintiff’s Motion to Oppose Dismissal, the responses, the report and recommendation, the objections to the report and recommendation, the response to the objections, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge’s findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland (ECF No. 99) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant JPMorgan Chase Bank, N.A.’s 12(b)(6) Motion to Dismiss (ECF No. 6) is **GRANTED** and Plaintiff’s Motion to Oppose Dismissal (ECF No. 83) is **DENIED** to the extent it opposes dismissal of claims against Defendant JPMorgan Chase Bank, N.A.

SIGNED this 24th day of August, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE